

DENTISTRY EXAMINING BOARD
REGULAR MEETING
SEPTEMBER 5, 2001

MEMBERS PRESENT: Bruce Barrette, DDS; David Carroll, RDH; Judith Ficks; Wilbur Gill, DDS; Nanette Kosydar Dreves, RDH; Cynthia Riffle, DDS; Cathy Schleis, RDH; Art Srb; Richard Strand, DDS; Bruce Trimble, DDS

MEMBERS EXCUSED: Mark Curran, DDS

LEGAL COUNSEL: Jacquelynn Rothstein

STAFF PRESENT: Deanna Zychowski, Karen Rude-Evans

GUESTS: Paul Krueger, Hilbert and Tenuta; Mara Brooks and Lara Mathew, WDA

CALL TO ORDER

Chair Bruce Barrette called the meeting to order at 8:33 a.m.

APPROVAL OF AGENDA

Amendments: -Deliberation of proposed stipulation – Vern W. Manthei, DDS – Wisconsin Rapids – case advisor – Bruce Barrette
-Review of application – Tamala Jean Peterson, RDH

MOTION: Judith Ficks moved, seconded by Nanette Kosydar Dreves, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 11, 2001

Correction: -On page one, under APPROVAL OF MINUTES..., correct the spelling of Cynthia Riffle.

MOTION: Nanette Kosydar Dreves moved, seconded by Cynthia Riffle, to approve the Minutes of July 11, 2001, as corrected. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Oscar Herrera addressed the Board regarding the recently passed budget. All agencies had to cut 5% from their budgets. DRL fared well as the 5% cut came from the reserve fund, and three additional positions were allocated for DOE.

PRESENTATION OF PROPOSED STIPULATIONS

HOWARD J LUBIN, DDS

DOE attorney Gilbert Luebke presented a proposed stipulation in the matter concerning Howard J. Lubin, D.D.S. This matter will be deliberated on in closed session.

THOMAS G ROOKER, DDS

DOE paralegal Steve Engelbrecht presented a proposed stipulation in the matter concerning Thomas G. Rooker, D.D.S. This matter will be deliberated on in closed session.

JAMES R LANDREMAN, DDS

DOE attorney Jim Harris presented a proposed stipulation in the matter concerning James R. Landreman, D.D.S. This matter will be deliberated on in closed session.

RICARDO E ARAUJO, DDS

DOE attorney James Polewski presented a proposed stipulation in the matter concerning Ricardo E. Araujo, D.D.S. This matter will be deliberated on in closed session.

VERN W MANTHEI, DDS

DOE attorney James Polewski presented a proposed stipulation in the matter concerning Vern W. Manthei, D.D.S. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

LEGISLATIVE STATUS REPORT ON BILL DRAFTING REQUESTS AS OF AUGUST 6, 2001

This item was informational.

2001 ASSEMBLY BILL 457 RELATING TO MANDATORY OVERTIME HOURS WORKED BY HEALTH CARE WORKERS

This item was informational.

REVIEW OF CORRESPONDENCE FROM WDA RELATING TO DEVELOPMENT OF
INSPECTION GUIDELINES FOR STAFF INVESTIGATORS FOR INVESTIGATION
OF AN ALLEGATION IN A DENTAL OFFICE

The Board discussed the inspection guidelines form and the correspondence from WDA.

MOTION: Judith Ficks moved, seconded by Cynthia Riffle, to table the discussion on this issue until the next Board meeting. Motion carried unanimously.

AADE DENTAL SIMULATED CLINICAL EXERCISE AND DENTAL HYGIENE
COMPUTER SIMULATED CLINICAL EXERCISE

This item was informational.

MOTION: Wilbur Gill moved, seconded by David Carroll, to have the Department obtain a copy of this program in order for the Board to evaluate how it could be used for remediation and evaluation. Motion carried unanimously.

ADA 2000 SURVEY OF CLINICAL TESTING AGENCIES

This item was informational.

ADA 2000 SURVEY OF LEGAL PROVISIONS FOR DELEGATING INTRAORAL
FUNCTIONS TO CHAIRSIDE ASSISTANTS AND DENTAL HYGIENISTS

This item was informational. It was noted that some of the survey items were in error. The Board would like to look at this again at the November Board meeting.

2001 ANNUAL CONFERENCE OF THE AADA

This item was informational.

FEDERAL REGISTER QUERY FEE INCREASES

This item was informational.

CORRESPONDENCE RELATING TO LEGAL PRINCIPLES RELATING TO ACTION FOR
ABANDONMENT

This item was informational.

CRDTS UPDATE

Cynthia Riffle reported she spoke with Ted Carter, the Executive Director of CRDTS. CRDTS has a critical shortage of hygiene and periodontics examiners.

MOTION: Cynthia Riffle moved, seconded by Richard Strand, to name Gay Derderian, DDS, as a deputy examiner in perio for CRDTS. Motion carried unanimously.

MOTION: Cynthia Riffle moved, seconded by Nanette Kosydar Dreves, to name Donna Radjanovich, RDH, as a deputy examiner in perio for CRDTS. Motion carried unanimously.

REGULATORY DIGEST

Nanette Kosydar Dreves reported the *Regulatory Digest* is complete and has been sent to the Chair for approval. The *Regulatory Digest* should be published this fall.

DISCUSSION REGARDING STIPULATIONS AND HOW THEY ARE DRAFTED AND PREPARED BY STAFF IN DIVISION OF ENFORCEMENT – MIKE BERNDT

DOE attorney supervisor Mike Berndt spoke to the Board about how stipulations are drafted and prepared. Mr. Berndt handed out information regarding stipulations and a memo from Jack Temby, Administrator, Division of Enforcement, outlining the various disciplinary options available to the Dentistry Examining Board.

RECESS TO CLOSED SESSION

MOTION: Judith Ficks moved, seconded by David Carroll, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f), and (g), Wis. Stats., for the purpose of a personal appearance regarding review of inspections, a personal appearance to request and unlimited license, considering requests for stays of suspensions and modifications of orders, reviewing a monitor report, consideration of a proposed supervisor, deliberation of proposed stipulations, reconsideration of costs, reviewing applications, reviewing case status report, meeting with the Division of Enforcement and consulting with legal counsel. Roll call vote: Bruce Barrette – yes, David Carroll – yes, Judith Ficks – yes, Wilbur Gill – yes, Nanette Kosydar Dreves – yes, Cynthia Riffle – yes, Cathy Schleis – yes, Art Srb – yes, Richard Strand – yes, Bruce Trimble – yes. Motion carried unanimously.

Open session recessed at 11:07 a.m.

RECONVENE IN OPEN SESSION

MOTION: Judith Ficks moved, seconded by Cynthia Riffle, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:30 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PERSONAL APPEARANCES

NILES KNIGHT BAKKE, DDS

MOTION: David Carroll moved, seconded by Judith Ficks, to refer the audio tape of Niles Knight Bakke's appearance to DOE. Motion carried unanimously.

MICHAEL FISHER, DDS

MOTION: Judith Ficks moved, seconded by Cathy Schleis, to grant an unlimited license to Michael Fisher, DDS. Wilbur Gill abstained. Motion carried.

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN ORDERS

JAMES BLONG, DDS

MOTION: Cynthia Riffle moved, seconded by Richard Strand, to grant a four-month stay of suspension to James Blong, DDS. Motion carried unanimously.

LEON CUMMINGS, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Cynthia Riffle, to grant a three-month stay of suspension to, and accept Richard Green, DDS, as the supervising dentist for Leon Cummings, DDS. Richard Strand – no. Motion carried.

JAMES MARKENSON, DDS

MOTION: Cynthia Riffle moved, seconded by Bruce Trimble, to grant a three-month stay of suspension and a reduction in therapy to twice monthly to James Markenson, DDS. Motion carried unanimously.

REVIEW OF MONITOR REPORT

WILLIAM GLOYECK, DDS

The Board reviewed the monitor report of William Gloyeck, DDS. No Board action was necessary.

PROPOSED STIPULATIONS

THOMAS G ROOKER, DDS

MOTION: Judith Ficks moved, seconded by Wilbur Gill, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Thomas G. Rooker, DDS. Case advisor – Bruce Trimble. Motion carried unanimously.

HOWARD J LUBIN, DDS

MOTION: Richard Strand moved, seconded by David Carroll, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Howard J. Lubin, DDS. Case advisor Wilbur Gill abstained. Motion carried.

MOTION: David Carroll moved, seconded by Richard Strand, to accept Terry Kippa, DDS, as the practice monitor for Howard J. Lubin, DDS. Case advisor Wilbur Gill abstained. Motion carried.

JAMES R LANDREMAN, DDS

MOTION: Cynthia Riffle moved, seconded by Nanette Kosydar Dreves, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning James R. Landreman, DDS. Case advisor Judith Ficks abstained. David Carroll – no. Motion carried.

RICARDO E ARAUJO, DDS

MOTION: Judith Ficks moved, seconded by Nanette Kosydar Dreves, to table deliberation of the proposed stipulation in the matter concerning Ricardo E. Araujo, DDS, in order to have information on, and documentation of completion of, 24 hours of coursework. This information should be available for the next Board meeting. Case advisor Richard Strand abstained. Motion carried.

VERN W MANTHEI, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Cathy Schleis, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Vern W. Manthei, DDS. Case advisor Bruce Barrette abstained. Motion carried.

RECONSIDERATION OF COSTS

BRIAN PAINTER, DDS

MOTION: Richard Strand moved, seconded by Cathy Schleis, to reaffirm the motion made on July 11, 2001, to deny the reduction of costs in the matter concerning Brian Painter, DDS. Bruce Trimble abstained. Motion carried.

MOTION: David Carroll moved, seconded by Judith Ficks, to adopt the affidavit of cost of Pamela Stach in the amount of \$11,785.89 in the matter concerning Brian Painter, DDS. Richard Strand – no, Nanette Kosydar Dreves – no. Motion carried.

APPLICATION REVIEWS

TIMOTHY CREAMER, DDS

MOTION: Richard Strand moved, seconded by Cynthia Riffle, to approve the application of and grant a license to Timothy Creamer, DDS. Motion carried unanimously.

LOVELL FARRIS, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by David Carroll, to request Lovell Farris, DDS, to appear at the next Board meeting to address questions on the Michigan discipline and malpractice. Motion carried unanimously.

ANTHONY ROGONESE, DDS

MOTION: Richard Strand moved, seconded by David Carroll, to accept the application of and grant a license to Anthony Rogonese, DDS. Motion carried unanimously.

TAMALA JEAN PETERSON, RDH

MOTION: Cynthia Riffle moved, seconded by Cathy Schleis, to accept the application of and grant a license to Tamala Jean Peterson, RDH. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Richard Strand moved, seconded by Cathy Schleis, to close complaint **00 DEN 032** for compliance gained. Case advisor – David Carroll. Motion carried unanimously.

MOTION: Wilbur Gill moved, seconded by Nanette Kosydar Dreves, to close complaint **97 DEN 007** for no violation. Case advisor – Richard Strand. Motion carried unanimously.

MOTION: Richard Strand moved, seconded by Nanette Kosydar Dreves, to close complaint **01 DEN 030** for insufficient evidence. Case advisor – Cathy Schleis. Motion carried unanimously.

MOTION: Nanette Kosydar Dreves moved, seconded by Cathy Schleis, to close complaint **00 DEN 054** for insufficient evidence. Case advisor – Nanette Kosydar Dreves. Motion carried unanimously.

MOTION: Nanette Kosydar Dreves moved, seconded by Judith Ficks, to close complaint **99 DEN 038** for prosecutorial discretion (P3). Case advisor – Richard Strand. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board noted the informational items.

ADJOURNMENT

MOTION: Cynthia Riffle moved, seconded by Judith Ficks, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:41 p.m.

Dent090501